UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

SIXTH COMMITTEE
30th meeting
held on
Tuesday, 16 November 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 30th MEETING

Chairman: Mrs. FLORES (Uruguay)

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AGENDA ITEM 141: PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL LAW RELATING TO THE NEW INTERNATIONAL ECONOMIC ORDER

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Distr. GENERAL
A/C.6/48/SR.30
19 January 1994
ENGLISH
ORIGINAL: SPANISH

93-82415 (E)

The meeting was called to order at 10.30 a.m.

AGENDA ITEM 141: PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL LAW RELATING TO THE NEW INTERNATIONAL ECONOMIC ORDER (A/48/268)

1. Mr. DEREYMAEKER (Belgium), speaking on behalf of the European Union, said that the States members of the European Union had on previous occasions already expressed their conviction that the needs of developing countries could best be met through gradual progress in the area of international economic cooperation.

2. That position remained valid, because over the past few years a sound foundation had been laid, within the framework of the United Nations, for a more pragmatic approach to international economic cooperation. One example of such progress was the United Nations Conference on Environment and Development, held in Rio de Janeiro in June 1992, at which the Rio Declaration and Agenda 21 had been adopted.

3. The European Union, which had actively collaborated in the Conference, was fully aware of the needs and problems faced by the developing countries, and intended to play a major role in the process that had been initiated for addressing those problems.

4. The position of the European Union countries on the item under consideration was well known, as it had been set forth in a number of previous reports, including document A/41/536 on the analytical study prepared by the United Nations Institute for Training and Research (UNITAR) (A/39/504/Add.1, annex III). The States members of the European Union had repeatedly indicated their preference for a flexible approach towards the complex problems raised by the agenda item. General Assembly resolution 46/52, however, did not fully acknowledge that there was now a new climate in international economic relations, as evidenced by the fact that more and more countries were applying market-economy principles. As a result, the States members of the Union had not been able to support the resolution two years earlier, and they could not support a corresponding text.

5. With regard to the question of the progressive development of the principles and norms of international law relating to the new international economic order, he said that the progress made in the area of international economic cooperation had been possible thanks to a number of very diverse instruments. Some of those instruments were legally binding, while others were intended only to be hortative. That diversity should be maintained, in order to allow for sufficiently flexible approaches to be adopted. The best way to deal with the problems in question was to draw up different types of instruments on specific issues, as the need arose.

6. As they had already stated on many occasion, the States members of the European Union did not feel that the time had yet come to undertake the task of codifying the law relating to the new international economic order. Codification would require a measure of agreement as to which legal norms and principles would be admissible, and such agreement did not yet exist within the international community. In 1991, many delegations, including the States members of the European Union, had voted against paragraph 3 of General Assembly

(Mr. Dereymaeker, Belgium)

resolution 46/52, which provided for the establishment of a working group to develop the principles and norms of international law relating to the new international economic order. The outcome of the vote in the Sixth Committee (74 in favour, 34 against and 2 abstentions) had shown that there was a lack of support for the establishment of the working group and for its mandate. The European Union was reaffirming its position, because international economic cooperation was a constantly evolving process, and it was important to avoid any initiative that might paralyse that process artificially. The countries of the European Union wished to stress the need to pursue the pragmatic dialogue, initiated within the framework of the United Nations, the results of which were clearly encouraging. With that in mind, the European Union reiterated its request that the item should be dropped from the agenda of the Sixth Committee.

7. Mr. BISSEMBER (Guyana) said that some delegations apparently had doubts as to the validity and appropriateness of the item that was now before the Committee. However, the essential purpose of the new international economic order - as an initiative of the developing countries - was to correct the imbalances in the international economic system. The imbalances persisted; they had not disappeared. The pay-out of the so-called peace dividend, the freeing of financial resources for development - had failed to materialize. To the extent that the reduction of East-West tensions had not produced any significant change in the economic relations between developed and developing countries, on the one hand, and debtor and creditor nations or institutions, on the other, the issue of a new international economic order continued to be relevant.

8. The international legal community had already acknowledged, by the title given to the agenda item, the creative approach which was required to address the issue. By placing the subject within the context of progressive development of law, as opposed to codification, it had recognized that there was a need for a new framework to be constructed to achieve not only a redistribution of economic and financial resources, but also the creation of conditions for sustained development in both the economic and the social sectors of developing countries. Hence, the aim was to develop norms to be applied rationally in order to address priorities which, for one reason or another, had been overlooked in the past.

9. Because what was being asked of the international community was a creative, innovative approach to international law reform, there might be an instinctive inclination in some quarters to recoil from the exercise. If that was the case, he would ask members to consider the historical determinants that had brought about the prevailing imbalance between the developed and the developing countries, namely, colonialism, unfavourable terms of trade, exploitation of countries that produced raw materials, curtailment of access to development financing, protectionism and the discriminatory manipulation of market practices and preferences, especially in end-user countries. The place of equity had been well developed in the common law legal tradition, and, by the same token, the principle of equity should be invoked in the conduct of international economic relations.

10. The medium through which that principle should be invoked was the progressive development of international law, in other words, the development of new norms for addressing inter alia the relationship between debt and

(Mr. Bissember, Guyana)

development, equitable access to financial resources, and the transfer of technology and technical know-how. The creditor nations and multilateral financial institutions, for their part, should accept the idea of debt write-offs and debt forgiveness through an international legal regime. The task would not be an easy one. The attitudinal shift required was enormous, and could only be accomplished through dialogue. Moreover, the purpose of agenda item 141 was to go beyond the desired attitudinal shift and to set down in a structured manner a framework representative of the desired change. To the extent that the contradictions inherent in the dilemma of debt versus development could be accommodated in a new international economic order, the goal was justifiable. If the appropriate medium for achieving that objective was the progressive development of international law, the international community must live up to the expectations of the developing countries.

11. Mrs. VALDÉS (Cuba) said that, since the adoption by the General Assembly of resolutions 3201 (S-VI) and 3202 (S-VI), containing the Declaration and Programme of Action on the Establishment of a New International Economic Order, Cuba had collaborated with other third world countries in the search for widely acceptable formulas. Her delegation felt that efforts must be continued towards the development of a fairer international economic order in which the needs of the international community as a whole would be taken into account. In that endeavour, the primary factors to be borne in mind were the lack of resources of the developing countries and the urgent need for international cooperation for development.

12. The end of the cold war between East and West had brought about a change in international relations. Nevertheless, far from seeing any improvement, the rest of the States Members of the United Nations, particularly the developing countries, had instead found that their economies were deteriorating more and more. Her delegation therefore welcomed the establishment of the working group envisaged in General Assembly resolution 46/52. The working group's activities should be based mainly on the resolutions 3201 (S-VI) and 3202 (S-VI) and on the Charter of Economic Rights and Duties of States.

13. A review should be begun immediately of all principles and norms not consistent with current circumstances, which should be replaced by new ones suited to the current international situation, in which the economies of the developing countries were suffering serious deterioration. Moreover, measures should be adopted for the implementation of those principles and norms, as well as for the establishment of suitable supervision and monitoring mechanisms for enforcing them. In that regard, the analytical study prepared by UNITAR (A/39/504/Add.1, annex III) should prove useful and should be the starting-point for the working group's activities.

14. The comments submitted by Governments and international organizations contained suggestions which might also serve as a basis for the working group. Her delegation particularly supported those suggestions which concerned four fundamental issues: the principle of solidarity; the principle relating to the duty to cooperate; the right to development; and the feasibility of attaining a new international economic order, bearing in mind such specific matters as the deteriorating economic conditions in developing countries, the debt problem and the commodity issue.

(Mrs. Valdés, Cuba)

15. There was no avoiding the relationship between peace and development. It was impossible to guarantee peace in a world in which the majority of peoples were living in extreme poverty and even going hungry, since such situations were conducive to the outbreak of social conflicts with unpredictable consequences.

16. The working group should also take into consideration the Rio Declaration and Agenda 21, which contained important reflections on sustainable development and international cooperation for the future. Lastly, any work undertaken with the intention of establishing the new international economic order should take as its starting-point the reaffirmation of the principle of sovereignty, including the right of every State to choose freely its own economic and social development model.

17. Mr. DUTTA (India) said that the topic of a new international economic order which had been the subject of discussion, research and studies in various international forums, had a praiseworthy objective: correcting the current iniquitous economic order and thus reducing international tensions and conflicts. The basis for consideration of the issue was to be found in the Charter of the United Nations itself, particularly in Article 1, paragraph 3, and in the provisions contained in Chapter IX, entitled "International economic and social cooperation".

18. A glance at the current situation revealed continuing and serious problems. The economies of the developing countries were in particularly poor shape, even more so since 1980. In most developing countries the growth rate had been sharply declining. On top of that, there were falling commodity prices, the increasing application of tariff and invisible barriers, the rise in the burden of debt servicing and the decrease in the flow of concessional finance for development. The indebted countries had been unable to address their real problems, such as mass poverty, because they had to divert resources to debt servicing, which caused instability and uncertainty in their financial, monetary and trading systems. The developing countries had undertaken strenuous adjustment efforts to cope with the crisis, but the economic and social costs of adjustment were unacceptably high. It was therefore necessary to appeal to the understanding of the international community, and demand of it a constructive response, which would include the adoption of consistent, convergent and mutually reinforcing policies in the interrelated areas of money, finance, debt and trade. In that regard, mention should be made of the various specific proposals of developing countries designed to revitalize international economic relations.

19. The development of the norms and principles of international law to underpin moves to set economic relations on a more equitable basis assumed great importance in that context, especially for the developing countries, which would find in that legislative basis particular support for the specific proposals designed to resolve their problems. The Sixth Committee was more immediately concerned with the analytical study and the other documents submitted to the General Assembly by UNITAR, which were valuable contributions to consideration of the subject. The work of the United Nations Commission on International Trade Law and the Asian-African Legal Consultative Committee on economic cooperation between developed and developing countries should also be taken into consideration. In that regard, his delegation believed that any attempt to deny

(Mr. Dutta, India)

the right to development its proper place in international law would only lead to the weakening of the entire United Nations system.

20. The development of the principles and norms of international law relating to the establishment of the international economic order should focus on areas of inequality in international law which thwarted the free development and exercise of business and industrial enterprise in developing countries, causing stagnation. Furthermore, attention should be paid to the practices of the international financial institutions, which were part of the system meant to assist the underdeveloped countries in their development but which had so far not elaborated norms which actually enhanced the competitiveness of those countries and would be acceptable to them. That also applied, mutatis mutandis, to bilateral assistance by developed countries. The regime to be established should facilitate the transfer of technology and technical expertise so as to ensure rapid economic and social growth in developing countries and improve the institutional mechanics of the application of international law to relations among States.

21. Mr. PERALTA (Costa Rica) said that despite the end of the cold war the economic differences between North and South had become more acute. The third world was trapped in an economic system which allowed it no room to develop. At the beginning of the next century there would be 6 billion people in the world, two thirds of them in developing countries. Those countries were demanding a more equitable new international economic order based on principles and norms which would make it possible to eliminate poverty, guarantee the principles of peace, development and cooperation, and consolidate the basis of democracy.

22. As the Minister for Foreign Affairs of Costa Rica had indicated when addressing the General Assembly, the developing countries were not asking for hand-outs - what they needed was greater understanding, greater openness for their products and effective support for their desire to live in peace and democracy. The world could not prosper if some States languished in oblivion. All countries should face the current crisis together, which would benefit both developing and developed countries because it would promote greater political and economic stability, a better distribution of resources and an increase in exports and jobs.

23. A legal system which guaranteed equal opportunity for and the sovereignty of peoples should be established, and the Sixth Committee was the appropriate forum to develop new mechanisms to safeguard those principles. The working group set up to develop new principles and norms of international law relating to the new order should bear in mind that to achieve that goal it was necessary to bring about arms reductions, strengthen democratic institutions, eliminate discrimination, safeguard the right to self-determination, protect the environment and, above all, eradicate poverty. The working group should also take into consideration the need to make changes in the financial and monetary system and to set common priorities, promote investment and individual initiative, and eliminate restrictive trade practices. That did not mean running a command economy or obliging any State to ignore the laws of supply and demand, since international law could not contradict economic laws. Nevertheless, States could set up an effective legal framework to ensure compliance with international trade law.

24. Mr. BLOOM (United States of America) said that his Government continued to believe that the time was not ripe for the development of principles and norms relating to the new international economic order. It associated itself with the comments made by the Belgian delegation on behalf of the European Union in that connection. The United States supported global development and the legitimate aspirations of developing countries. Nevertheless, today economic development issues were handled not in terms of the politically-charged vocabulary of a new order but through concrete bilateral and multilateral efforts to promote economic development and trade. An example of such cooperation was the increasing negotiation and implementation of bilateral investment treaties.

25. The United States must again state that it did not support the development of principles and norms in that connection, since there was simply insufficient agreement on the substance of the topic. The debate under way was anachronistic and hindered rather than promoted the development of norms of international law. The problems of developing countries required innovative solutions, and the international community should focus on looking for such solutions instead of returning to the rhetoric of the past.

The meeting rose at 11.15 a.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

SIXTH COMMITTEE
31st meeting
held on
Wednesday, 17 November 1993
at 3 p.m.
New York

SUMMARY RECORD OF THE 31st MEETING

Chairman:	Mr. NEUHAUS (Vice-Chairman)	(Australia)
later:	Mrs. FLORES (Chairman)	(Uruguay)
later:	Mr. AL-SUWAIDI (Vice-Chairman)	(United Arab Emirates)

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AGENDA ITEM 142: UNITED NATIONS DECADE OF INTERNATIONAL LAW

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Distr. GENERAL
A/C.6/48/SR.31
6 January 1994

ORIGINAL: ENGLISH

93-82468 (E)

In the absence of Mrs. Flores (Uruguay), Mr. Neuhaus (Australia), Vice-Chairman, took the Chair.

The meeting was called to order at 3.45 p.m.

AGENDA ITEM 142: UNITED NATIONS DECADE OF INTERNATIONAL LAW (A/48/269, A/48/312, A/48/435 and A/C.6/48/L.9)

1. The CHAIRMAN drew attention to the following documents: the report of the Secretary-General on the implementation of the programme of activities for the United Nations Decade of International Law (A/48/312); the report of the Secretary-General on the protection of the environment in times of armed conflict (A/48/269); the report of the Secretary-General on a preliminary operational plan for a possible United Nations congress on public international law (A/48/435); and the report of the Working Group on the Decade (A/C.6/48/L.9).

2. Mr. ZACKLIN (Director and Deputy to the Under-Secretary-General, The Legal Counsel), introducing document A/48/312, said that it was divided into three sections. Section I was the introduction. Section II contained an analysis of the replies received from States and international organizations on the implementation of the programme for the activities for the second term (1993-1994) of the Decade. Replies were summarized under headings corresponding to the five main sections into which the programme was divided, as set out in the annex to General Assembly resolution 47/32.

3. Subsequent to the completion of the report, replies had been received from the Governments of Germany and Romania. Those replies could be consulted in the Codification Division of the Office of Legal Affairs.

4. The Secretary-General had received from the Swiss Government a letter transmitting the text of the Final Declaration of the International Conference for the Protection of War Victims, held at Geneva from 30 August to 1 September 1993. Copies of that Declaration in all languages could be obtained from the Secretariat.

5. Section III of the report provided additional information on recent activities of the United Nations relevant to the progressive development of international law and its codification in eight specific areas. The work of the International Law Commission and of the Committee was also summarized.

6. Mr. MOHAMMED (Nigeria), Chairman of the Working Group on the United Nations Decade on International Law, introducing document A/C.6/48/L.9, said that the Working Group had held six meetings, during which it had considered the three reports of the Secretary-General to which the Chairman had just referred. Each section of the Working Group's report dealt with one of those documents.

7. Mrs. Flores (Uruguay) took the Chair.

8. Mr. SANDOZ (International Committee of the Red Cross (ICRC)), introducing document A/48/269, said that it had been prepared pursuant to paragraph 4 of

(Mr. Sandoz)

General Assembly resolution 47/37, in which the Secretary-General had been requested to invite ICRC to report on its activities and those of other relevant bodies with regard to the protection of the environment in times of armed conflict and to submit a report on the matter to the Assembly at its forty-eighth session. The document set out the main conclusions of the work undertaken by experts under the auspices of ICRC and proposed, in the annex, draft guidelines to be included in military manuals.

9. As a rule, international humanitarian law prohibited the destruction of civilian objects, thus implying a general protection of the natural environment, which did not, a priori, constitute a military objective. Only in the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) of 1977, had that general prohibition been supplemented by two provisions specifically aimed at protecting the environment, namely, article 35, paragraph 3, and article 55, which prohibited attacks against the environment as such and the use of the environment as a means of warfare. Protocol I also contained a number of other provisions that were particularly important in that connection, such as article 36, regulating the use of new weapons; article 52, providing for the general protection of civilian objects; article 54, providing for the protection of objects indispensable to the survival of the civilian population; article 56, dealing with the protection of works and installations containing dangerous forces; and article 57, specifying the precautions to be taken in the event of attack.

10. Currently, 130 States were bound by Protocol I; however, it would be highly desirable for all States to sign the treaty, so that there would be no doubt as to the universal applicability of its provisions.

11. The role and importance of other international treaties, such as those restricting or prohibiting the production, stockpiling or use of certain weapons, and the Convention on the Prohibition of Military or any Other Hostile Use of Environmental Modification Techniques (the ENMOD Convention), should also be borne in mind.

12. Although the body of law applicable to non-international armed conflicts did not contain any provisions specifically referring to the protection of the environment, the experts had stressed that articles 14 and 15 of Protocol II of 1977 had a direct bearing on the subject.

13. The experts had also highlighted the key role played by mechanisms for the implementation of international humanitarian law. Emphasis should be placed, in particular, on the responsibility of States deriving from their general obligation to respect and ensure respect for international humanitarian law, on the duty to disseminate knowledge of that law, and to put an end to violations and repress grave breaches thereof, and on the role that should be played by the recently created International Fact-finding Commission.

14. In that context, the report proposed draft guidelines to be included in military manuals. Such manuals were a decisive factor in translating

(Mr. Sandoz)

international obligations into practical instructions for those who were required to respect them, namely, commanders of military units and their chiefs of staff.

15. ICRC noted with satisfaction the Working Group's favourable response to its proposals, and was prepared to review the draft guidelines, taking into account the comments made by States. It intended to convene a meeting with governmental experts in order to discuss the elements to be included in all military manuals.

16. ICRC hoped that the other questions raised in the report would be examined in the appropriate forums and, in particular, that discussion would continue with a view to enhancing the protection of the environment in non-international armed conflicts and preventing the indiscriminate use of mines in all situations of armed conflict.

17. Mr. DEREYMAEKER (Belgium), speaking on behalf of the European Union, said it was clear from document A/48/312 that the programme for the activities for the second term (1993-1994) of the Decade had provided food for thought regarding specific ways of strengthening the role of international law in the years to come. He drew attention to paragraphs 46, 69, 79 and 102 of the report, which indicated the variety of activities undertaken under the auspices of the European Community.

18. The European Union welcomed the broad exchange of views in the Working Group on the various topics mentioned in document A/48/269. Despite occasional differences of opinion, it was clear that all delegations agreed on the importance of protecting the environment in times of armed conflict.

19. Paragraphs 104 to 108 of the report, reflecting the views of ICRC, showed that it had adopted a balanced approach. As stated in paragraph 104, ICRC had reservations about proposals for a new process of codification of the rules protecting the environment in times of armed conflict, believing that the result would be of dubious value and could even be counter-productive. Moreover, ICRC believed that, if several aspects of the existing law were elaborated on and if the law were more fully implemented, it would provide adequate protection of the environment in times of armed conflict. The European Union shared that view and believed that special attention should also be given to the need to spread knowledge of the existing rules. Military manuals must contain clear instructions regarding the obligations of the armed forces to protect the environment. In that connection, the European Union welcomed the draft guidelines prepared by ICRC and believed that they should be circulated immediately to Governments so that their comments could be forwarded to ICRC.

20. Turning to the question of a possible United Nations congress on public international law, he said that the European Community had welcomed the proposal when it had first been made at the Assembly's previous session. Currently, the European Union endorsed the recommendation contained in paragraph 35 of document A/C.6/48/L.9 that the congress should be held in 1995 as proposed and that the Secretariat should proceed with its preparation and should keep Member States informed of the status of the preparations.

(Mr. Dereymaeker, Belgium)

21. The European Union believed that individuals from all countries who were concerned with the objectives of the Decade should have the opportunity to participate in the congress in a meaningful way. In keeping with its informal character, the congress should not lead to the adoption of a binding document. The Office of Legal Affairs, which was responsible for all issues relating to participation in and admission to the congress, the choice of speakers and of topics, and so on, should maintain informal contact with the Permanent Missions of Member States and should keep them informed of the status of the preparations for the congress. Lastly, as noted in paragraph 34 of document A/C.6/48/L.9, all delegations had emphasized that the congress should be held within existing resources and should be assisted by voluntary contributions.

22. Mr. VOICU (Romania) said that he applauded the efforts of the Working Group on the United Nations Decade of International Law, which would give impetus to future activities of the Decade.

23. In 1993, the Secretary-General had invited Governments and the bodies and organizations concerned to submit information on the implementation of the programme of activities for 1992-1993 within the framework of the United Nations Decade of International Law. Those replies had demonstrated the extent of the international community's interest in the Decade and in international law in general.

24. His own country, which was already a party to a large number of multilateral treaties at both the regional and international levels, had recently become a party to other instruments in the fields of human rights, international criminal law and environmental protection. In so doing, it had achieved two aims: incorporating the norms of international law into its national legislation and promoting the acceptance of and respect for the principles of international law, one of the main purposes of the Decade. That purpose was enshrined in his country's new constitution, which also provided for the primacy of international law over domestic law.

25. A second purpose of the Decade was to promote means and methods for the peaceful settlement of disputes between States, a matter to which his country attached great importance. In that connection, his Government had participated in the elaboration of the convention on conciliation and arbitration; it also planned to give thorough consideration to the proposals contained in "An Agenda for Peace" and was considering the possibility of publishing a Romanian version of the Handbook on the Peaceful Settlement of Disputes between States.

26. In a world shaken by conflict, it was more important than ever to strengthen international law. In that context, particular attention needed to be paid during the Decade of International Law to the elaboration of international norms in the field of environmental protection and the gradual development of international humanitarian law. His Government had been active in giving practical form to the principles of international humanitarian law. Its foreign policy was based in part on the principles set forth in the 1949 Geneva Conventions and the Additional Protocols thereto, to which his country was party. At the recent International Conference for the Protection of War Victims, his Government had emphasized the need to strengthen the international

(Mr. Voicu, Romania)

mechanisms for preventing war crimes and to elaborate an international legal system under which war crimes would be punished. His country had taken other steps to promote international humanitarian law, including measures to strengthen European and subregional integration and to facilitate participation in collective conflict-reduction efforts; speeding up its legal procedures for the acceptance of the International Fact-finding Commission; and disseminating the principles of international humanitarian law. In addition, his Government had established a centre for international humanitarian law, which provided education and coordinated local and subregional activities in that field. The Romanian Association for Humanitarian Law was also actively engaged in promoting activities in that area.

27. His country had been making active efforts to encourage the teaching, study, dissemination and wider appreciation of international law. It had recently published two new handbooks on international law and a book on international space law. More than 20 universities and private institutes in Romania offered courses in international law, and many of the 1993 law graduates in Romania had chosen their thesis subjects in that area. "An Agenda for Peace" had been published in Romanian and had been the subject of public debate. Two research institutes in his country were carrying out and publishing research in the field of international law, organizing seminars and publishing books and periodicals on human rights issues. Romania had also strengthened the cooperation between its law schools and those in other European countries.

28. His Government had created a national committee for the United Nations Decade of International Law and hoped that other countries would do the same. It was in favour of convening a United Nations congress on public international law, which should take place early in 1995 so that it would not be overshadowed by the celebration of the fiftieth anniversary of the United Nations. Among the themes proposed for the congress was means of peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice. In that connection, he recalled that in its decision 45/412 of 28 November 1990, the General Assembly had decided that the peaceful settlement of disputes between States should be considered within the framework of the programme of the United Nations Decade of International Law and by the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. He hoped that both those forums would have given thorough consideration to the issue before the convening of the congress, so that the participants would have a solid base on which to begin their discussions. The congress would most certainly give new impetus to the study of international law and new vigour to its doctrine.

29. Mr. Al-Suwaidi (United Arab Emirates), Vice-Chairman, took the Chair.

30. Mr. XU Guangjian (China) said that the first year of the second term of the United Nations Decade of International Law had begun well; he was confident that the main purposes of the Decade could be achieved. While there seemed to be general agreement that a United Nations congress on public international law should be convened, certain differences remained with regard to the details of organizing such a meeting. A satisfactory solution could certainly be found through mutual effort and understanding.

(Mr. Xu Guangjian, China)

31. The congress should be convened at a time that would be convenient for the United Nations and its Member States. China was willing to discuss that matter with other interested delegations with a view to harmonizing the needs of all concerned. More time was needed to select the themes for the congress, since consensus on that matter had not yet been reached. A sound agenda was essential to the success of the congress.

32. His Government had always attached great importance to the activities of the United Nations Decade of International Law and would continue to work actively to promote its goals. It hoped that the Decade would result in a tangible strengthening of the rule of international law, world peace and security.

33. Mr. ZHEEVSKY (Russian Federation) said that international law was helping to consolidate the shift in international relations from confrontation to cooperation and the United Nations had a key role to play in that connection. It was important, therefore, to continue efforts to implement the programme for the activities for the second term (1993-1994) of the United Nations Decade of International Law, so as to make a genuine contribution to the international legal order. In the near future the most important event would be the United Nations congress on public international law to be held in 1995, which would provide an excellent opportunity to review developments in the field of international law and look to the future of international legal cooperation on the eve of the twenty-first century. The general themes to be discussed by the congress should be based on connections between the achievements of the past, contemporary international legal developments and directions for the future. His delegation welcomed proposals that the congress should concentrate on topics such as the application, promotion and further development of the means of peaceful settlement of disputes, including the development of the legal framework for peace-keeping operations. In the context of the defence of peace the establishment of an international criminal jurisdiction had major practical implications and a first step had been taken in that direction with the establishment of the tribunal to deal with the former Yugoslavia. The congress should also discuss the protection of the environment through international legal measures.

34. Armed conflicts posed the greatest threats to the peaceful and stable development of the international community and his delegation therefore endorsed the proposal that the congress should discuss the promotion of the role of international humanitarian law in times of armed conflict. That proposal coincided with the Final Declaration of the International Conference for the Protection of War Victims, held at Geneva from 30 August to 1 September 1993, in which the participating States had declared their willingness to act together with the United Nations in order to ensure full observance of international humanitarian law. A possible contribution the United Nations could make in that field would be to review the question of the legal protection of victims of armed conflict in the Sixth Committee, and more particularly within the framework of the Working Group on the United Nations Decade of International Law. It was important that that work should be as practical as possible.

(Mr. Zmeevsky, Russian Federation)

35. Movement in that direction had already begun with, for example, the work on the guidelines for military manuals and instructions on the protection of the environment in times of armed conflict. Of course, there should be no duplication of work already being carried out by other international organizations on questions of humanitarian law. It was vital, however, that the United Nations and above all the Sixth Committee should be aware of the latest developments in the promotion of the role of law in the protection of victims of armed conflicts. In that connection it would be logical if the General Assembly expressed its support, in an appropriate resolution, of the decisions taken at the Conference.

36. The United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law was an important component of the programme for the Decade and deserved support.

37. The most practical outcome with regard to the Decade could be achieved at the national level, and that was reflected in the Secretary-General's report on the Decade (A/48/312). For the Russian Federation, reliance on the legal factor would be the best way to stabilize the development of Russian society and its progress on the path to democracy, economic reform and the construction of a State subject to the rule of law. The basic outlines of international law had been taken into account in drawing up the draft constitution of the Russian Federation, which would be put to a referendum in December 1993. The adoption of a basic law for the country would give an additional impetus to the process of strengthening the role of law in the defence of democracy, human rights and the transition to a market economy. The State, academic institutions and non-governmental organizations were engaged in the teaching of international law and the training of legal specialists, which was of great significance in opening up society and integration of the Russian Federation into the international community. Russian business was keenly interested in international legal practice.

38. One of his country's priorities was to establish transparent international legal relations with the States arising on the territory of the former Soviet Union, as testified to by the signing on 24 September 1993 of the Agreement on Urgent Measures for the Protection of Victims of Armed Conflicts, which made the decisions of the International Conference for the Protection of War Victims a reality. Proposals for a programme of internal measures to implement the Final Declaration of that Conference were being developed and a course on humanitarian law for workers from the Ministry of Defence of the Russian Federation had been held in Moscow in early November 1993 in cooperation with ICRC. At the beginning of December 1993 in St. Petersburg, again with the participation of ICRC and a wide range of countries, a celebration had been planned for the 125th anniversary of the St. Petersburg Declaration. His Government considered that that would contribute to the promotion of international law and hence to the realization of the main purposes of the United Nations Decade for International Law.

39. In view of the scale of the tasks set by the programme for the Decade, his delegation considered that the Sixth Committee's Working Group on the subject should be maintained as a coordinating body.

40. Mrs. TSONEVA (Bulgaria) expressed appreciation to ICRC for its work in the area of protection of the environment in times of armed conflict.

41. Her Government favoured the convening of a United Nations congress on public international law. The general themes proposed were well chosen and would help to promote international law and encourage its dissemination. Her delegation had proposed another theme which reflected current trends: international law as it related to the use of sanctions authorized by the United Nations. In her country's view, the congress should take place in 1995, one week after the session of the Special Committee on the Charter, which would permit countries to send a greater number of delegates. Representation at the congress should be based, in so far as possible, on equitable geographical distribution in terms of regions and legal systems. That was the only way to guarantee the success of the undertaking. The financing of the congress was, of course, the key to the entire operation and should come from existing resources.

42. The report of the Secretary-General on protection of the environment in times of armed conflict (A/48/269) expanded on a theme already considered by the Sixth Committee. Regional conflicts were bringing the issue to the fore once again. Despite the existence of several instruments on international humanitarian law, there was a need to re-examine the legal aspects of the problem and, in that connection, the recommendations of Governments should be borne in mind. The guidelines for military manuals and instructions on the protection of the environment in times of armed conflict, contained in the annex to document A/48/269, should naturally be reviewed by military experts; however, the legal aspects were a matter for the Sixth Committee.

43. Her Government was certain that the United Nations Decade of International Law would be a great step forward in strengthening international law and restructuring the United Nations.

44. Mrs. Flores (Uruguay) resumed the Chair.

45. Mr. BALANDA (Zaire) said that the various documents relating to the United Nations Decade of International Law demonstrated the enthusiasm with which States and the bodies and organizations concerned had embraced the activities of the Decade.

46. The international community should take advantage of the Decade to carry out an in-depth study of certain priority issues, with a view to improving the international legal environment. Careful studies should be made, for example, of those principles of international law which States were more reluctant to observe, attitudes towards the International Court of Justice, and the main causes of international disputes. The Decade offered an opportunity to rethink both the nature and the methods of international law, without forgetting its purpose. The task was particularly important in view of the many changes that had taken place in the world and the new expectations and needs which had to be taken into account. If international law was to be widely accepted and hence, easily applied in the twenty-first century, special emphasis must be placed on consensus and on avoiding the imposition of international law on any particular group of States. Thus, the process of further developing international law

(Mr. Balanda, Zaire)

would be a rather slow one, inasmuch as all parties concerned would have to learn to listen to each other and to take each other's interests into account before any decisions could be made.

47. It was important to understand the attitude of most of the States which had formerly been colonies and which, in many cases, had played no part in the development of international law. Many of the existing provisions did not adequately take into account the interests of those States and therefore did not provide the security which law was supposed to offer a community.

48. Special attention should also be given to the study and analysis of the main causes of disputes between States. Before that could be done, however, the United Nations, which had been created in the aftermath of two world wars, must develop a genuine system and a new dynamic of peace. The hit-and-miss manner in which the international community had dealt with the conflicts in Somalia and Angola attested to the need for such a system. One of the main causes of disputes between States was the selfishness of States, which led them to put their own interests above those of other States, and to resort to unethical behaviour, at both the domestic and the international levels. Under the new world order, national leaders should be made more aware of the need for morality and ethics in international relations.

49. Turning to the question of international treaties and conventions, he stressed the need gradually to reduce the use of reservations, which, although allowed under the Vienna Convention on the Law of Treaties, interfered with the application of treaties. In many cases, States made reservations because certain provisions of the treaty in question were incompatible with their domestic law. Consideration should therefore be given to the possibility of developing a set of model rules in the area of public international law, similar to the model rules developed by UNCITRAL in the area of trade law. Such rules would help to reduce the disparities among national legislations, and thus would also reduce the number of cases in which States found reservations necessary.

50. Another area of international law which needed clarification was that of the ways and means of consolidating democracy and promoting comprehensive development. Much had already been done to promote human rights; such efforts, of course, also promoted democracy. In that regard, special mention should be made of the work done by the specialized agencies of the United Nations in promoting development in Africa, Asia and Latin America. Unfortunately, however, there was no consistent body of rules designed to help States move rapidly towards a higher level of democracy or development. If such rules had existed from the beginning of the Organization, the world probably would not have witnessed the emergence of totalitarian States which were the antithesis of democracy and prevented human development. The situations in Haiti, in Burundi and in Somalia and the improvisation that was evident in the response of the international community illustrated the absence of rules of international law for the protection of democracy. That legal vacuum had created a situation of disorder which, if aggravated, could lead to imbalances that would threaten international peace and security. Thus, the existence of disputes between States provided sufficient justification for the study and promotion of international humanitarian law.

(Mr. Balanda, Zaire)

51. Another issue which should be considered was that of international environmental law. The United Nations Environment Programme and ICRC had already made contributions in that field. Zaire had played an active role in the formulation of the World Charter for Nature, an instrument which had unfortunately been largely neglected. The international community must be made more aware of the need for a body of law that would protect the environment.

52. Mr. BISSEMBER (Guyana) said he was pleased to announce that on 16 November 1993 Guyana had deposited its instruments of ratification of the United Nations Convention on the Law of the Sea. Since his country was the sixtieth country to ratify the Convention, it would enter into force on 16 November 1994. His Government was pleased to have ratified the convention during the United Nations Decade of International Law and hoped that the ratification would be considered a contribution to the enhancement of treaty law.

53. Mr. SEGER (Observer for Switzerland) welcomed the report of the Secretary-General on the protection of the environment in times of armed conflict (A/48/269) which was essentially based on the work of the group of experts brought together by ICRC. They had identified priorities for future action with which his delegation agreed, but it also considered it to be a priority for the protection of the environment in non-international armed conflicts to be examined more thoroughly. The aim of the group of experts should be to establish a legal overview of the current state of the protection of the environment in times of armed conflict and to present practical and specific solutions in order to plug loopholes, using existing law and mechanisms.

54. First steps had already been taken in that direction and his Government supported the idea of mandating the International Fact-finding Commission established under article 90 of Protocol I to the 1949 Geneva Convention to monitor observance of international law in that field. It also welcomed the idea of drawing up guidelines for military manuals and instructions on the protection of the environment in times of armed conflict. However, the initial draft, contained in the annex to the Secretary-General's report, should be clarified on a number of points, for instance by drawing a clearer distinction between international customary law and treaty law. The guidelines should also be reworded so that it would be clear that they were intended for armed forces, as some of the recommendations seemed to be addressed more to political bodies than to military instructors.

55. His Government had noted with satisfaction the interesting and constructive debate in the Working Group on the United Nations Decade of International Law on the protection of the environment in times of armed conflict. Lastly, he wished to reconfirm the importance his Government accorded to the protection of the environment in times of armed conflict as a significant component of international humanitarian law and it was to be hoped that the ICRC group of experts would soon be able to produce a definitive text of the guidelines for military manuals.

56. Switzerland and ICRC had organized the International Conference for the Protection of War Victims which had been held in Geneva from 30 August to

(Mr. Seger, Observer, Switzerland)

1 September 1993. The aim of the Conference had been to improve that protection and to urge the implementation of international humanitarian law, which was being violated all too frequently.

57. The Conference had resulted in a solemn Final Declaration, adopted by the participating States on 1 September 1993. The Declaration was essentially divided into two parts. In part I, the participants expressed their refusal to accept the spread of violence and hatred throughout the world, denounced serious and multiple violations of international humanitarian law - which was intended to protect civilian populations and limit the suffering caused by war - and undertook to react against those violations with specific measures. In part II, the participants affirmed their responsibility to respect and ensure respect for international humanitarian law. They then urged all States to take all necessary measures, in particular the systematic dissemination of those legal norms, particularly to the armed forces, accession to relevant international agreements, recognition of the competence of the International Fact-finding Commission, condemnation of grave breaches of international humanitarian law and encouragement of the establishment of appropriate international machinery, improvement of coordination of international aid, promotion of respect for the emblems of the Red Cross and Red Crescent, strengthening of the prohibition on attacks on the environment and the use of anti-personnel mines, and the exertion of pressure on parties to conflicts guilty of violating international humanitarian law. The Declaration was to be issued as an official United Nations document.

58. Switzerland accepted the mandate to organize an intergovernmental group of experts, open to the participation of all States, to look into practical ways of promoting full respect for international humanitarian law. It would also prepare a report for States and for the forthcoming International Conference of the Red Cross and Red Crescent.

59. Mr. JONKMAN (Observer for the Permanent Court of Arbitration), recalling that the General Assembly had recently granted observer status to the Permanent Court, said that he wished to express the Court's appreciation to all States Members of the United Nations for their decision in that regard. He was particularly grateful to the Netherlands delegation and the other delegations that had sponsored the relevant draft resolution, as well as to the Belgian delegation for having spoken in support of it on behalf of the European Community. The creation of the institutional link between the United Nations and the Permanent Court would enable the International Bureau of the Court to keep the members of the United Nations currently and fully informed of the Court's facilities and services. Perhaps more importantly, the Bureau, through regular attendance at meetings of the Sixth Committee, would become aware of a range of views on international dispute settlement that would enable it to maintain services that would be as responsive as possible to the needs of member States.

60. The process improving the Court's functioning had steadily continued. Two new sets of procedural rules had been established, one for arbitrating disputes between States and the other for arbitrating disputes between parties of which only one was a State. Both sets of procedural rules were based on the widely

used arbitration rules drawn up by UNCITRAL. During the past 10 years, arbitration seemed to have lost its image as the most speedy and relatively cost-effective method for resolving international disputes. Procedural and administrative uncertainties and sharply enhanced costs were among the factors that had encouraged parties to have recourse to alternative methods. By making available the new sets of procedural rules and providing the Bureau's administrative support at minimum cost, the Permanent Court was working towards restoring the cost-effectiveness of the arbitral process.

61. The International Bureau had recently convened a conference of the members of the Court, which had taken place on 10 and 11 September 1993 at The Hague. The aim of the Conference had been to elicit views and suggestions for the enhancement of the Court's role and to discuss the preparation of a possible third Hague peace conference to be held in 1999, the centenary of the Permanent Court. The conference had adopted two resolutions. In the first, the members inter alia had noted with satisfaction the initiative taken to seek observer status in the General Assembly, and had invited the Administrative Council to pay due attention to the further development of relations with the United Nations, taking into account the fact that the Court was the only institution authorized by multilateral agreement to organize four of the third-party settlement methods listed in Article 33 of the Charter of the United Nations. Other important recommendations concerned recourse to the Permanent Court for the settlement of international disputes, the establishment of a fund from which qualified States would be able to draw in order to offset costs incurred in connection with the submission of a dispute for settlement under the auspices of the Permanent Court, and continued active participation by the Secretary-General of the Court in the programme of the United Nations Decade of International Law. In its second resolution, the Conference had stressed the need for adequate preparation of the proposed third international peace conference at the end of the United Nations Decade of International Law, and had invited the Administrative Council to authorize the Secretary-General of the Permanent Court of Arbitration to appoint a broadly based Steering Committee to make recommendations as to whether to revise the Hague Conventions for the Pacific Settlement of International Disputes and whether to improve the dispute settlement procedures under the auspices of the Court.

62. In the course of 1992 and 1993, four countries - Jordan, Suriname, Singapore and Cyprus - had become parties to the Hague Convention of 1907 and three other countries - Kyrgyzstan, the Czech Republic and Slovakia - had announced their continued adherence to the Hague Conventions following the dissolution of the States of which they had earlier formed part. The International Bureau would like to express the hope that the States Members of the United Nations which were not yet participating in the activities of the Permanent Court of Arbitration would give early consideration to acceding to the Hague Convention of 1907.

The meeting rose at 5.40 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

SIXTH COMMITTEE
32nd meeting
held on
Thursday, 18 November 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 32nd MEETING

Chairman:	Mrs. FLORES	(Uruguay)
later:	Mr. AL-SUWAIDI (Vice-Chairman)	(United Arab Emirates)
later:	Mr. NEUHAUS (Vice-Chairman)	(Australia)
later:	Mrs. FLORES (Chairman)	(Uruguay)

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Distr. GENERAL
A/C.6/48/SR.32
26 January 1994
ENGLISH
ORIGINAL: SPANISH

93-82510 (E)

The meeting was called to order at 10.30 a.m.

AGENDA ITEM 142: UNITED NATIONS DECADE OF INTERNATIONAL LAW (continued)
(A/48/269, A/48/312 and A/48/435; A/C.6/48/L.9)

1. Mr. ARRAD (Bahrain) said that attainment of the goals of the United Nations Decade of International Law should be encouraged as that would help the Organization achieve its objectives in the area of international peace and security. In particular, his country supported the promotion of means and methods for the peaceful settlement of disputes between States, not only because a peaceful approach was the civilized way of responding to international crises but also because it would strengthen the capacity of the United Nations to establish a new international order based on the rule of law. His country also favoured the convening in 1995, using available resources, of a United Nations congress on public international law, which would also help to strengthen the role of international law in global relations.

2. Aware of the need to respect the principles of international law, many countries had acceded to various international instruments, including Bahrain, which was a party to the United Nations Convention on the Law of the Sea, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Vienna Convention for the Protection of the Ozone Layer, the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, among others.

3. His country also attached great importance to the protection of the environment in times of armed conflict, above all with regard to those areas considered as part of a cultural or natural heritage, to which high priority should be granted. It urged countries with experience in that field to offer technical assistance to others, including developing countries.

4. Mr. LWIN (Myanmar) said that his delegation had taken note of the climate of cooperation prevailing worldwide since the end of the cold war and the efforts being made by the international community with regard to the progressive development and codification of international law following the adoption of General Assembly resolution 44/23. The United Nations Decade of International Law had given new impetus to attempts to strengthen the rule of law in international relations and had at the same time increased the willingness of States to respect international law. The United Nations should play an important role in that field and his country welcomed the activities being carried out under that resolution, in particular those designed to strengthen the capacity of the developing countries. It also welcomed the proposal to convene in 1995 a United Nations congress on public international law. In addition to promoting the acceptance of and respect for the principles of international law, the congress would provide an opportunity to assess prospects for the further development and codification of international law.

5. With regard to protection of the environment in times of armed conflict, he noted that the proliferation of weapons of mass destruction represented a growing threat to the environment. Accordingly, it was essential for all States

(Mr. Lwin, Myanmar)

to comply strictly with existing norms and to accede to the relevant international instruments, including the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. The International Committee of the Red Cross (ICRC) should continue its substantive efforts related to the protection of the environment in times of armed conflict. On the question of preparing guidelines for military manuals, his country considered that an in-depth study of the matter was needed, owing to its technical nature.

6. All States, regardless of their size or level of development, must strictly observe the norms and principles of international law. Aware of that fact, Myanmar was party to various international instruments, including the previously mentioned Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, and was considering the possibility of acceding to others. His country adhered strictly to the principle of peaceful coexistence and maintained friendly relations with all States. It attached great importance to promoting means and methods for the peaceful settlement of disputes between States and was heartened by the increasing use of the International Court of Justice in recent years. However, in its view, conciliation procedures should be instituted with the consent of the parties; it thus opposed the establishment of compulsory dispute settlement procedures, which were not in accordance with Article 33 of the Charter.

7. Mr. KIM Yong (Democratic People's Republic of Korea) said that while the structures of the cold war had collapsed, relics of the old order still remained, among them foreign domination, violations of the norms and principles of international law, inequality and the use of a separate standard for small countries in the application of international instruments. Some States also persisted in trying to impose their ideas and systems on other States, which represented a wanton infringement of national sovereignty. In addition, national and regional conflicts continued to worsen, thereby frustrating the desire of peoples worldwide to live in peace and liberty.

8. The United Nations Decade of International Law thus had an important role to play in promoting fair and equitable international relations. Activities under the Decade should be geared towards strengthening universal adherence to the principles of mutual respect and non-interference in the internal affairs of States, as well as the observance of international law. To that end, priority should be given to eliminating inequalities and ensuring the impartial application of the existing international instruments, beginning with the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and the Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations.

9. With regard to means and methods for the peaceful settlement of disputes between States, his country reaffirmed its belief that such disputes must be resolved through dialogue and negotiation, based on the principles of mutual respect, equality, non-interference in the internal affairs of States and mutual

(Mr. Kim Yong, Democratic People's Republic of Korea)

benefits, which ruled out unilateral solutions or military intervention. The role of the International Court of Justice should also be strengthened.

10. The Democratic People's Republic of Korea had taken note with special interest of the proposals set forth in document A/48/435, which it endorsed, particularly those concerning participation in and the purpose and organization of a United Nations congress on public international law. His country attached special importance to promoting the teaching, study, dissemination and wider appreciation of international law.

11. Mr. BASET (Nepal) said that the United Nations Decade of International Law provided a unique opportunity to promote international peace and security by strengthening international law, in particular by promoting the principle of the peaceful settlement of disputes, which could lead to a new era of general prosperity based on mutual respect. Nepal, which was aware of those possibilities, had consistently supported the objectives of the Decade and had actively participated in efforts to ensure its success. For example, it had supported the progressive development and codification of international law, it attached great importance to respect for human rights, and it actively participated in the work of the Asian-African Legal Consultative Committee.

12. Nepal had participated actively in the Rio Conference and supported its conclusions. Moreover, it was convinced of the vital importance of environmental problems in the world of today. It also endorsed the view of the International Committee of the Red Cross (ICRC) that the general codification of the rules pertaining to environmental protection might not be feasible at the current stage. However, without prejudice to any national and regional measures which might be adopted towards that end, it hoped that it would be possible to clarify and develop the rules relating to the protection of the environment in times of armed conflict and ensure that they were respected, through the conclusion of a treaty establishing an international criminal jurisdiction, the interpretation of the ENMOD Convention and the simultaneous application of the rules of environmental law and humanitarian law. His delegation also hoped that the forthcoming Conference to review the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects would consider the environmental impact of conventional weapons.

13. Lastly, Nepal welcomed the report of the Secretary-General on the possible convening of a United Nations congress on public international law. That congress should not become another forum for a debate on topics traditionally discussed in the context of the Decade. On the contrary, it should be an academic forum to give free flow to an exchange of ideas on the role of international law in international relations.

14. Ms. ISOMURA (Japan) said that her country would continue to contribute to the implementation of the programme of activities for the second term (1993-1994) of the United Nations Decade of International Law.

(Ms. Isomura, Japan)

15. In that connection, it wished to point out that the thirty-third session of the Asian-African Legal Consultative Committee would be held in Tokyo from 17 to 21 January 1994 and that at that session the Committee would discuss the status and treatment of refugees, model legislation on that subject, the follow-up to the World Conference on Human Rights, the legal framework on privatization and other topics of international law. As an original member of the Committee and its largest contributor, Japan was determined to make further contributions to ensure that the Committee functioned as effectively as possible as an organ to provide legal assistance and make recommendations to its participating States.

16. Her delegation joined others in expressing appreciation to ICRC for its excellent work in the preparation of the report on the protection of the environment in times of armed conflict (A/48/269). That issue should be properly addressed, particularly at a time when the number of regional conflicts was rapidly increasing. Emphasis should be placed on ensuring compliance with and the dissemination of the existing rules of international law rather than on the codification of new rules to protect the environment in times of armed conflict. As ICRC had pointed out, there might be a need to clarify and develop more specific rules. As for the questions which should be considered by the Sixth Committee, she hoped that priority would be given to the dissemination of provisions designed to protect the environment in times of armed conflict. With the end of the cold war, greater attention should be paid to the question of protecting the environment in times of non-international armed conflict, although it should be pointed out that there was often no clear distinction between international conflicts and non-international conflicts. In view of the specialized nature of the subject, substantive work should continue on the various aspects of the question within the framework of ICRC. Her delegation also welcomed the guidelines for military manuals and instructions on the protection of the environment in times of armed conflict annexed to the report.

17. The report of the Secretary-General on a preliminary operational plan for a possible United Nations congress on public international law was extremely useful as a guide to the discussion. The chief purpose of the congress should be the dissemination of public international law through a free exchange of views among the various participants. To that end, it was desirable that the congress should hold informal meetings and that its aim should not be to produce a declaration or any other kind of formal or binding document. Moreover, her delegation supported the idea that the congress should be convened in such a way as to ensure the maximum possible participation with the minimal cost. It might therefore be advisable to convene it during the regular session of the General Assembly in 1995. If that was not possible, it could be held immediately after the end of the second week of the session of the Special Committee on the Charter in 1995. The congress should be financed out of available resources and voluntary contributions.

18. Ms. LEHTO (Finland), speaking on behalf of the Nordic countries, reiterated what those countries had stated in their reply to the Secretary-General on the activities of the second term (1993-1994) of the United Nations Decade of International Law, namely, that the emergence of new patterns of cooperation among States as a result of the end of the cold war had led to increased general

(Ms. Lehto, Finland)

interest in international law and created a more favourable atmosphere for its progressive development.

19. The growing interest in international law concerned a wide spectrum of issues: the peaceful settlement of disputes, traditional and new legal aspects of peace-keeping operations, peacemaking and peace enforcement, the legal aspects of the application of Chapters VI and VII of the Charter of the United Nations, the various proposals set out in the report of the Secretary-General entitled "An Agenda for Peace", international environmental law, international humanitarian law, international human rights law and international law relating to development. At the same time, there had been a certain willingness to examine the effects of the political transformations of recent years on the traditional concept of international law.

20. The growing interest in international law was evident in the increased importance of non-governmental organizations and institutions in various international forums. At the national level, non-governmental organizations had traditionally served as watchdogs with respect to the application of human rights or environmental standards and had thus encouraged respect for those standards. The participation of non-governmental organizations in the preparation of international legal instruments was a new and welcome phenomenon. There were also other areas, such as humanitarian law, human rights and the protection of minorities, where non-governmental organizations could make a substantial contribution. The tragic events in the former Yugoslavia and in Somalia had demonstrated the need to consider the status of the various humanitarian organizations in order to ensure that they could continue their activities in increasingly difficult circumstances. Indeed, one item on the current agenda testified to the need for legal measures in that field.

21. The Nordic countries welcomed the recognition by the international community of the need to focus attention on the question of the protection of the environment in times of armed conflict. It therefore welcomed the suggestions made by ICRC in the report. It was of the greatest importance that ICRC should continue to follow developments in that area and that the question should be regarded as an essential part of the future work to be done in the context of the United Nations Decade of International Law. The Nordic countries therefore hoped that ICRC would examine not only issues relating to the guidelines for military manuals but also questions relating to the need for the development and strengthening of the existing legal provisions in that area.

22. In the view of the Nordic countries, the focus of the activities of the United Nations Decade of International Law should be on the national level. That did not exclude specific international activities, provided that they were carefully organized and geared to tangible results. In that connection, the Nordic countries noted with appreciation the deliberations of the Working Group on the Decade relating to the holding of a United Nations congress on public international law, which would be a fitting way of commemorating the fiftieth anniversary of the United Nations. They agreed with the proposal contained in the report of the Working Group concerning the participation of non-governmental representatives in such a Congress. The broadest possible participation should

(Ms. Lehto, Finland)

be sought and, consequently, attendance should not be limited to officials from legal departments of Ministries of Foreign Affairs but should be open to the representatives of academic institutions and non-governmental organizations, since the participants should reflect the various approaches to international law. It followed that the congress should consist of informal discussions, and its purpose should not be the adoption of a formal document. The congress should concentrate on specific and well-defined topics and seek to make specific proposals for the further development of international law in particular fields. The topics could be chosen from among the proposals made by States and international organizations in connection with the Decade. Among those topics, the Nordic countries stressed the importance of the role of the International Court of Justice in the peaceful settlement of disputes. In that connection, the settlement of environmental disputes was of particular importance.

23. One of the objectives of the United Nations Decade of International Law was to promote acceptance of and respect for international law. The role of legal departments of Ministries of Foreign Affairs was of the utmost importance in that regard, both as coordinators of national activities in connection with the Decade and as legal advisers in the foreign policy decision-making process. Even more important than general education in international law at the national level was how the State itself respected international law in the making of its foreign policy. International cooperation involving legal departments, whether in the context of the United Nations or at the regional level, provided important support to the practitioners of international law and helped to clarify the role of legal advisers in the foreign policy formulation process.

24. The Nordic countries wished to stress the unity of treaties. They therefore urged States to consider the possibility of withdrawing their reservations to international conventions. It was regrettable that there were States which had made sweeping reservations to important human rights conventions. In some cases, the reservations were contrary to the object and purpose of the convention in question. Such a practice tended to undermine the credibility of international law and, in that connection, she noted the wide support which existed for the proposal by the International Law Commission to include the question of reservations to treaties in its programme of work.

25. Important projects were under way in connection with the United Nations Decade of International Law, including work by the Secretary-General on a solution to the problems in Part XI of the United Nations Convention on the Law of the Sea and the work of the Sixth Committee on State responsibility and the establishment of a permanent international criminal court. Success in those endeavours would also further the objectives of the Decade. Lastly, attention should be drawn to the work initiated within the Permanent Court of Arbitration, which had recently been granted observer status with the United Nations General Assembly, for the revitalization of the Court on the occasion of its centenary in 1999.

26. Mr. KORZACHENKO (Ukraine) said that the major transformations that were occurring throughout the world had changed the general attitude towards international law. The end of the cold war should be reinforced by placing

(Mr. Korzachenko, Ukraine)

international relations on a sound legal foundation, which required the creation of an international climate characterized by full respect for the sovereignty, territorial integrity and the equality of States. Imperialist attitudes and the use of pressure and blackmail by some States against others had recently become a thing of the past, and, as a result, the newly independent States were able to participate in all the activities of the international community and carry out the tasks expected of them.

27. Ukraine had embarked upon an effort to bring its laws into line with the democratic principles which governed the life of its people. Noteworthy in that connection was the accession by Ukraine to the Vienna Conventions on the Succession of States of 1978 and 1983, the Convention on Special Missions, the Convention on the Limitation Period in the International Sale of Goods, and the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. In addition, Ukraine had acceded to a number of conventions of the International Labour Organization (ILO) and was taking steps to join the Council of Europe. It had concluded agreements on a bilateral basis and within the framework of the Commonwealth of Independent States. International conventions ratified by Ukraine became part of its domestic law pursuant to legislation enacted in 1991.

28. With respect to the objective of the United Nations Decade of International Law to promote the teaching, study, dissemination and wider appreciation of international law, it should be pointed out that the number of foreign students studying at universities in Ukraine had increased since the country had gained its independence.

29. With regard to the objective of promoting means of peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, Ukraine attached great importance to the settlement of disputes over environmental conventions and agreements. In that connection, it should be recalled that the Chernobyl disaster had occurred in Ukrainian territory. For that reason his Government attached special importance to environmental protection, which it considered to be a basic human right. He thanked the International Committee of the Red Cross (ICRC) for the work it had done on the issue of protection of the environment in times of conflict, and, in particular for its publication of guidelines for military manuals and training programmes.

30. His delegation welcomed the proposal to convene a United Nations congress on public international law. The proposed congress, at which the main legal systems in the world should be represented, could be held in 1995, which would allow enough time to make the necessary preparations. The holding of the congress in the same year as the fiftieth anniversary of the United Nations would be highly symbolic.

31. The proposed congress should deal with a number of issues of current concern, such as the legal aspects of the dissolution of States or the existence of States as part of a federation; the territorial integrity of States and the inviolability of their frontiers; the situation of newly independent States and

(Mr. Korzachenko, Ukraine)

regional guarantees for their sovereignty; and priority aspects of international law with regard to ecological security, especially in the light of the Chernobyl disaster. The congress would provide a major impetus to international law, which should govern relations in a civilized world.

32. Mrs. GIRTEL (Canada) said that Canada recognized the principle of the supremacy of the rule of law, which was written into its Constitution, and, accordingly, supported the idea of the United Nations Decade of International Law and its purpose of developing and promoting international law. It believed that the best contribution Member States could make to the Decade was to ensure not only that international law was created, but also that its principles were implemented, disseminated and adhered to.

33. The protection of the environment in times of armed conflict was one area in which there was a need for the dissemination, understanding and wider appreciation of the principles of international law. After millions of litres of crude oil had been discharged into the Persian Gulf and oil wells had been set on fire, the international community had mobilized, through the General Assembly and the Committee, to outlaw the use of the environment as a weapon of war and to prevent a repetition of such events. Her own Government had decided to convene a conference of experts on the subject in 1991 and the International Committee of the Red Cross (ICRC) had established a group of experts to study the issue. The Secretary-General had submitted a first report on the subject to the General Assembly, at its forty-seventh session, along with an interim report from ICRC in which ICRC had indicated its willingness to prepare guidelines for military manuals and instructions on the protection of the environment in times of armed conflict.

34. ICRC had now produced its final report on the subject, and her delegation expressed its appreciation and support for the work of the group of experts. Her delegation supported the proposals that Member States should review the guidelines that had been prepared and transmit their comments to the Secretary-General so that ICRC could redraft the guidelines in the light of those comments. It also supported the offers of the Swiss Government and ICRC to convene conferences of government experts to consider the revised guidelines with a view to submitting them to the General Assembly at an early date. In that connection, she referred to the final declaration adopted by the Conference on the protection of victims of war, held in Geneva on 1 September 1993, which urged reaffirmation of respect for the rules of international law protecting the natural environment.

35. Canada supported the proposal to convene a congress on public international law since it felt that such a congress would enable Member States to exchange views on the achievements made in the area of public international law under the auspices of the United Nations and would offer jurists from around the world an opportunity to share their visions of new legal ideas and concepts that would assist the international community in entering the new millennium under the supremacy of the rule of law.

36. Mr. SIDI-ABED (Algeria) said that the measures for the protection of the environment in times of armed conflict were increasingly important to the international community and should be based on the broad participation of States in the relevant instruments and on promotion of and respect for the obligations established by those instruments. That did not mean that there was an urgent need to codify those principles; his delegation agreed with ICRC that the law in force already offered adequate protection to the environment, and that the main problem lay in its implementation.

37. His delegation welcomed the draft guidelines for military manuals and instructions on the protection of the environment in times of armed conflict prepared by ICRC and believed that Governments should carefully review the guidelines and transmit their technical comments to the Secretary-General so that he, in turn, could communicate them to ICRC. However, the other proposals contained in paragraph 110 of the report of the Secretary-General (A/48/269), should be considered in more detail, and sufficient time would have to be allowed to enable all States to participate constructively in their consideration.

38. With regard to the proposal to convene a United Nations congress on public international law, Algeria was in favour of holding it in 1995. The Secretariat, in broad consultation with delegations, should ensure effective representation of the various legal systems and equitable geographical distribution.

39. Lastly, his delegation reaffirmed its commitment to the achievement of the objectives that the international community had established in the programme for the activities to be commenced during the second term of the Decade, involving promotion of international law, encouragement of cooperation and promotion of the acceptance of just international law, established by all States.

40. Mr. Al-Suwaidi (United Arab Emirates) took the Chair.

41. Mr. PANTIRU (Republic of Moldova) said that the Republic of Moldova supported the main objectives of the United Nations Decade of International Law and would contribute to their implementation.

42. On the question of the promotion of means and methods for the peaceful settlement of disputes between States, he noted that various historical and frontier, ethnic and religious, political, and economic, social and spiritual factors had generated conflicts with grave consequences, which could lead to the outbreak of new violent confrontations, thereby endangering international peace and security. Through the peaceful settlement of conflicts, the United Nations and other international organizations such as the Conference on Security and Cooperation in Europe, the North Atlantic Treaty Organization and the European Union could make a crucial contribution to stopping that unfavourable evolution of events. The role of the United Nations in that respect was decisive, but in order to play that role, the United Nations would need to undergo a profound reorganization and careful reassessment of its means. The report of the Secretary-General entitled "An Agenda for Peace" constituted a reference document in that respect and the debates on the subject could contribute to the

(Mr. Pantiru, Republic of Moldova)

strengthening of the principle of the peaceful settlement of disputes, in accordance with the objectives of the Decade. For the purposes of the genuine implementation of that principle, some considerations of a legal nature needed to be borne in mind. First, the nature of any dispute or conflict should be clearly defined, since a political conflict should not be confused with an inter-ethnic conflict. Second, the presence of foreign military forces in the territory of another State was a source of insecurity and instability since it constituted a violation of the sovereignty of independent countries and represented a major obstacle to the peaceful settlement of any conflict. Lastly, it should be borne in mind that the United Nations and the Conference on Security and Cooperation in Europe had many possibilities for solving regional conflicts by peaceful means because of their impartiality; all international bodies should engage in concerted action so as to make a valuable contribution to international peace and security.

43. In connection with another aspect of the Decade, encouragement of the teaching, study, dissemination and wider appreciation of international law, his delegation supported the proposal that States should encourage their educational institutions to introduce courses in international law and international economic relations at the graduate and postgraduate levels. The Republic of Moldova, for its part, had included a course on public international law in the curriculum of the law faculty of the Moldovan State University and many graduate students were carrying out research activities and preparing theses on various aspects of international law such as European integration, the protection of human rights in the contemporary world and the activities undertaken by UNCITRAL, in particular in the newly independent States. His delegation also welcomed the plans of the Secretariat to organize national seminars in 1993 in certain countries, including the Republic of Moldova, and reiterated the interest of Moldova in fellowships and courses available for young legal officers to enable them to deepen their knowledge of international law.

44. In conclusion, the Republic of Moldova reaffirmed its interest in taking part in the United Nations Congress on public international law scheduled for 1995 since it believed that the congress would provide a unique opportunity to promote the cause of peace and the supremacy of the rule of law.

45. Mr. NASIER (Indonesia) said that the Conference of Ministers for Foreign Affairs of Non-aligned Countries held in June 1989 had requested the United Nations General Assembly to declare the period 1990-1999 the United Nations Decade of International Law, as a way of developing international law. Indonesia, which had promoted and hosted the historic Asian-African Conference of Bandung, had always supported the rule of law in international relations and the development of relations of friendship and mutual cooperation among all nations of the world based on respect for sovereignty, territorial integrity and the principle of non-interference. Indonesia was actively seeking to contribute to international cooperation in the promotion and observance of international law, through the United Nations and its specialized agencies and through non-governmental organizations. His country was one of those which had advocated the archipelagic State concept later included in the United Nations Convention on the Law of the Sea. The Convention had been the result of the

(Mr. Nasier, Indonesia)

efforts of the international community, and Indonesia viewed the recent sixtieth ratification of the instrument as a major accomplishment in the development of the international law of the sea, since it enabled the Convention to enter into force within one year. Both developed and developing countries should continue to participate and cooperate actively in consolidating the legal principles in that field. On the occasion of the Decade, they should promote the principle of the peaceful settlement of disputes, using all the means stipulated in Article 33, paragraph 1, of the United Nations Charter.

46. The need to disseminate and clarify the existing rules on the protection of the environment in times of armed conflict had been reflected in the Committee's discussions and in the Rio Declaration of 1992, which referred explicitly to the environmental problems posed by wars and the destructive effect of armed conflicts on sustained development. Member States should adhere to and respect the relevant rules of international law and promote their further development.

47. Indonesia supported a decision to convene a congress on public international law in 1995, focusing particularly on the teaching, study, dissemination and wider appreciation of public international law, which should be open to all institutions, academics, government officials and legal practitioners representing the major legal systems in order to ensure the best possible results. As it had been noted at the latest Summit Conference of Heads of State or Government of Non-Aligned Countries held in Jakarta, respect for international law was the foundation of peace and security and was particularly important in transforming relations between nations and establishing a new world balance based on the codification and progressive development of international law.

48. Mr. LISWANISO (Namibia) said that the United Nations Decade of International Law provided an opportunity to promote the cause of international peace and security by strengthening the supremacy of the rule of law and increasing the willingness of Member States to abide by the norms of international law. His delegation believed that the programme of activities in observance of the Decade would allow States to reassess their cooperation in the maintenance of international peace and security, especially with regard to the peaceful settlement of disputes.

49. In that respect, Namibia had set itself the following foreign policy goals: (a) to adopt and maintain the policy of non-alignment; (b) to promote international cooperation, peace and security; (c) to create just and mutually beneficial relations among nations; (d) to foster respect for international law and treaty obligations; and (e) to encourage the settlement of international disputes by peaceful means.

50. While it must be acknowledged that his country had not yet established mechanisms to implement the Decade programme, it should be noted that it was due to a lack of manpower. As all were aware, Namibia had inherited a discriminatory legal system whose revision was now his Government's priority. However, the Government was preparing a firm foundation for the teaching of

(Mr. Liswaniso, Namibia)

international law and doing everything possible to promote the acceptance of and respect for the principles of international law, particularly with regard to the settlement of international disputes by peaceful means, as evidenced by the means it had chosen to settle the Walvis Bay issue.

51. The report of the Secretary-General on the Decade (A/48/312) was very comprehensive and contained useful suggestions on the implementation of the programme of activities. With respect to the promotion of the acceptance of and respect for the principles of international law, article 144 of the Constitution of Namibia stipulated that general rules of public international law and international agreements and treaties binding upon Namibia automatically form part of the laws of Namibia. Namibia had gained its independence only three years earlier, it was already a party to an appreciable number of multilateral treaties relevant to the progressive development of international law, among them the African Charter on Human and People's Rights, the Convention on the Rights of the Child, the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations, the Geneva Conventions of 1949 and their additional protocols and the Vienna Convention for the Protection of the Ozone Layer.

52. With regard to the progressive development of international law, his delegation shared the view that international environmental law in particular required such development. The Namibian Constitution specifically provided for the maintenance of ecosystems, essential ecological processes and biological diversity of Namibia and the utilization of living natural resources on a sustainable basis for the benefit of all Namibians, both now and in the future.

53. Concerning the promotion of means and methods for the peaceful settlement of disputes between States, both the Charter of the United Nations and the Manila Declaration on the Peaceful Settlement of International Disputes of 1982 made clear provision for settlement mechanisms, but such mechanisms were of no value unless States demonstrated the political will to use them. His delegation therefore applauded the Secretary-General's suggestions in his "An Agenda for Peace" and his report A/48/312 on the peaceful settlement of disputes, including resort to and full respect for the International Court of Justice. It also supported the proposal for establishing a trust fund to assist States, especially the developing countries, unable to afford the costs involved in bringing a dispute to the International Court.

54. Namibia favoured convening, as part of the Decade, a United Nations congress on public international law. It should be held at Headquarters in New York, probably in 1995, immediately after the second week of the session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. However, in order to ensure full participation in the congress, developing countries, especially those in Africa, must be given financial assistance to enable them to attend.

55. Mr. Neuhaus (Australia) took the Chair.

56. Mrs. KUPCHYNA (Belarus) said that commendable work had been done by the Working Group on the United Nations Decade of International Law and valuable information provided by the International Committee of the Red Cross (ICRC) regarding the protection of the environment in times of armed conflict.

57. Belarus had always supported the objectives of the Decade as established in General Assembly resolution 44/23 and, at the national level, had carried out important activities in pursuit of those objectives. In that connection, it had become a party to many multilateral treaties. In some cases it had done so as a successor State, as, for example, in the case of the Convention on the Physical Protection of Nuclear Material and the Convention Establishing the World Intellectual Property Organization.

58. Her delegation supported the holding, within the framework of the Decade, of a United Nations Congress on Public International Law, and approved the general theme and five sub-themes described in the Working Group's report (A/C.6/48/L.9). At the same time, it trusted that the Congress could also examine the questions mentioned by the Ukrainian delegation, including the theoretical and practical aspects of succession deriving from the breakup of federal States and international law, and the priorities with respect to environmental safety in the light of the Chernobyl disaster. It shared the view of other delegations that the work of the Congress should not lead to the approval of a binding legal instrument. In organizing it, an effort should be made to achieve equitable representation of all regions and all legal systems. In order to ensure the Conference's success, representatives of non-governmental organizations and experts on the subject should also participate. Her delegation shared the view that the Congress should be organized within existing resources and with the help of voluntary contributions. It also supported the idea that it should be held at United Nations Headquarters in New York, immediately after the second week of the 1995 session of the Special Committee on the Charter of the United Nations and on the strengthening of the Organization.

59. Belarus' concern with environmental problems had increased considerably after the Chernobyl disaster, apart from its origin. It was encouraging to note that practically all delegations now recognized the importance of the protection of the environment in times of armed conflict. In that connection, her delegation agreed with the ICRC that it would not be wise to undertake a general codification of the subject at the present time and that it would be preferable to promote stricter observance and greater dissemination of the existing rules.

60. As a party to the Geneva Conventions of 1949 and their Additional Protocols, Belarus appealed to the States which had not done so to accede to those instruments and make the special declaration needed to recognize the competence of the International Commission of Inquiry referred to in article 90 of Protocol I. There was still a great deal of scope for improvement and development of the rules of international law relating to the protection of the environment in times of armed conflict. The ICRC's contribution to that work would be important. Her delegation welcomed the draft guidelines for military manuals and instructions prepared by the ICRC in consultation with experts.

(Ms. Kupchyna, Belarus)

That draft should be transmitted to Governments for comment and the ICRC's final draft submitted to the Sixth Committee for consideration.

61. The Committee should also take up the questions referred to in paragraph 110 of the Secretary-General's report on the question (A/48/269), and the role of the ICRC in that connection.

62. Questions relating to the protection of the environment in times of armed conflict were an essential element of humanitarian law. Her delegation shared the view that the Sixth Committee should also take up the broader question of international protection of victims of war.

63. Mrs. Flores (Uruguay) took the Chair.

64. Mr. MIRZAEE YENGEJEH (Islamic Republic of Iran) said that his delegation was pleased at the successful results achieved by the Working Group on the United Nations Decade of International Law. The United Nations Congress on Public International Law, which the Working Group had decided by consensus should be held within the programme of activities of the United Nations Decade of International Law, had been proposed by the Islamic Republic of Iran and Mexico, in separate notes, in 1992. His delegation agreed with the formulation on the programme of the Congress and that it should be held in 1995, which was the fiftieth anniversary of the United Nations. With respect to organizational questions, it had four suggestions: that wide publicity should be given to the Congress; that due attention should be given to equitable geographical distribution and that speakers who represented the major legal systems should be selected; that missions in New York should be consulted and kept informed about the progress of all preparatory activities, and that the possibility of publishing lectures by prominent lawyers without extra burden on the United Nations budget should be studied.

65. The Congress on Public International Law would undoubtedly be a unique event intended to promote the objectives of the Decade in order to strengthen the rule of law in relations among nations which was an essential factor in the preservation of world peace and security. Therefore, the cooperation and contributions of all States were important. The Islamic Republic of Iran would take part in organizing the Congress and make a contribution, the amount of which would be determined at a later date, to the trust fund to be established for that purpose.

66. Turning to the protection of the environment in times of armed conflict, he praised the high quality of the Secretary-General's report on the subject. However, it must be emphasized that the existing rules of international law on the subject emanating from treaty obligations were binding only on the parties to such instruments. His delegation agreed with the recommendation of the ICRC that no codification of the rules protecting the environment in times of armed conflict should be undertaken at the present stage and that emphasis should instead be placed on wide participation, increased compliance with and dissemination of those rules.

(Mr. Mirzaee Yengejeh, Islamic Republic of Iran)

67. His delegation also supported the suggestion by the Working Group that the draft guidelines for military manual and instructions on the protection of the environment in times of armed conflict prepared by ICRC in consultation with experts should be circulated to Governments so that they could provide the ICRC with their comments.

68. Mr. AREVALO (Chile), speaking on behalf of the Latin American countries of the Rio Group said that the United Nations Decade of International Law had made it possible to promote and revitalize the role of international law, generating activities at the national and international level. In that context, the countries of the Rio Group attached special importance to the proposal to convene a United Nations Congress on Public International Law as the present historical moment favoured a meeting of that kind. It was now possible to reflect, without the hindrances of the recent past, on new priorities and offer a new vision of existing norms and institutions. International law should take its indispensable place in the organization of future international relations, contributing to it its own values, such as justice, equity and social order.

69. To accomplish that, questions such as the machinery for promoting democracy in international relations, the promotion and effective protection of human rights, the way to give content to the principles of sustainable development, the regulation of international trade and the principles which should govern cooperation between States should occupy, among others, a central place in the legal activities of the international community. The Congress could lay the groundwork for future legal developments within that general framework.

70. However, it was necessary to be realistic. The effects desired would not be achieved by the meeting alone, but would require further stages and further commitments to bring the initiatives of the Congress into effect. The countries of the Rio Group firmly supported efforts to disseminate the contents of the Congress in academic and governmental circles as well as among legal practitioners. They also supported the listing of the main themes to be considered and analysed at the Congress contained in document A/C.6/48/L.9 and attached particular importance to the following: the peaceful settlement of disputes; research, education and training of international law and its wider appreciation; and the challenges facing international law in the near future.

71. They welcomed the role assigned to the Secretariat's Office of Legal Affairs in the organization of the Congress and supported the proposal that the meeting should be not merely a governmental one but include the participation of academics and legal practitioners in order to facilitate a fruitful discussion.

72. Mr. CASTELLI (Argentina) endorsed the remarks made by the representative of Chile on behalf of the Latin American countries of the Rio Group and then outlined some of the activities carried out by Argentina in the context of the United Nations Decade of International Law, noting that in the past year Argentina had established a national committee for follow-up to the Decade with a view to playing an active part in its commemoration. The Committee, which consisted of eminent persons from academic circles and the legislative and

(Mr. Castelli, Argentina)

judicial branches of government, had met for the first time on 26 March 1993 under the chairmanship of the Legal Adviser of the Ministry of Foreign Affairs. To date, the Committee had held three meetings and the following activities, inter alia, had been undertaken under its auspices: work had begun on a compendium of the means and methods for the settlement of disputes set out in the most recent agreements signed by Argentina; a seminar on international trade law, organized with the help of the United Nations Commission on International Trade Law, had been held; work had begun on a programme for the establishment of a computer register of treaties to which Argentina was party; and national day-long observances on the theme "Developing countries and international environmental legislation" had been organized. In addition, a number of study groups consisting of colleagues from the international public and private law departments of various Argentine universities had begun to meet. All the foregoing clearly demonstrated Argentina's commitment to the Decade of International Law.

73. Mr. MOHAMMED (Ethiopia) said that the proclamation of the United Nations Decade of International Law by the General Assembly at its forty-fourth session was a landmark in the promotion of the role of international law in international relations. The debate in the Sixth Committee had revealed that many States had taken important steps to implement the programme for the Decade. In particular, it was encouraging to note that a record number of States had become parties to various multilateral treaties, thereby facilitating the entry into force of a number of important agreements.

74. In Ethiopia, respect for the norms and principles of international law had found unequivocal expression in the basic law of the land, the Charter of the Transitional Period, which incorporated the Universal Declaration of Human Rights with a view to ensuring effective legal protection of human rights and fundamental freedoms. In the past two years, Ethiopia had become party to various important multilateral treaties such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Protocols Additional to the Geneva Conventions of 1949, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and the 1989 Convention on the Rights of the Child, which clearly demonstrated the Ethiopian Government's commitment to promoting acceptance of the principles of international law.

75. As important as it was to encourage States to become parties to existing treaties, it was equally important to ensure and facilitate their full participation in the process of multilateral treaty-making. The participation and representation of the various legal systems in that process undoubtedly contributed to the wide acceptance and early entry into force of such instruments. In that connection, his delegation wished to stress the need to provide assistance and technical advice to States, and particularly to developing countries, in that area. While the generosity and efforts of some States and international organizations were to be commended, much remained to be done to achieve the goals of the Decade in that area. His delegation therefore

(Mr. Mohammed, Ethiopia)

hoped that attention would be given to that important aspect of the Decade programme.

76. One of the main objectives of the Decade was the promotion of means and methods for the peaceful settlement of disputes between States. While emphasizing the sovereign right of every State to choose the means and methods for the peaceful settlement of disputes to which it was a party, he also stressed the importance and complementary role of global and regional approaches in resolving disputes. Recent events around the world had demonstrated that cooperation between the United Nations and regional organizations was an essential element of an effective peaceful settlement. Without prejudice to the primary responsibility of the United Nations for the maintenance of international peace and security, the potential and relative advantages of regional arrangements and approaches must also be fully explored and utilized. In that connection, he wished to recall that the twenty-ninth session of the Assembly of Heads of State and Government of the Organization of African Unity (OAU), held at Cairo from 28 to 30 June 1993, a mechanism for preventing, managing and resolving conflicts in Africa had been established. Paragraph 25 of the declaration on the establishment of that mechanism stipulated that, where necessary, recourse would be had to the United Nations to provide the necessary support for OAU activities in conflict prevention, management and resolution in Africa, in keeping with the provisions of Chapter VIII of the Charter of the United Nations. In his view, those arrangements in Africa would contribute to the success of the Decade programme relating to the peaceful settlement of disputes between States.

77. Lastly, he expressed his delegation's support for the proposal to hold a United Nations congress on public international law in 1995, which would make an important contribution to the success of the United Nations Decade of International Law.

78. Mr. NEUHAUS (Australia) said that his country was one of those that had submitted information to the Secretary-General on activities undertaken as part of the United Nations Decade of International Law. Australia had taken its responsibility to support the Decade very seriously and exhorted States to seize the opportunity provided by the Decade to promote international law at the national and international levels. In its statement on the report of the International Court of Justice, his delegation had noted that the Decade provided an appropriate context for States to reassess their acceptance of the Court's jurisdiction. He recalled in that connection the Secretary-General's invitation to all Member States in his report entitled "An Agenda for Peace" to accept the general jurisdiction of the Court in accordance with Article 36 of its Statute.

79. As the principal judicial organ of the United Nations, the International Court of Justice was the most appropriate forum for the peaceful settlement of legal disputes under Article 36 of the Charter; it was not, however, the sole mechanism for peaceful settlements available. The Permanent Court of Arbitration could serve as a valuable complement to the International Court of Justice. At the meeting of members of the Permanent Court of Arbitration held

(Mr. Neuhaus, Australia)

in September 1993, a resolution had been adopted which recommended that States parties to the conventions establishing that body should consider turning to it when they could not settle their disputes by other means. It was possible that, owing to its flexibility, the Permanent Court of Arbitration was of greater value in the peaceful settlement of disputes in cases in which political considerations were the determining factors.

80. The progress made during the current year by the International Law Commission in 1993 towards the establishment of an international criminal court was an encouraging sign of a broadening commitment on the part of the international community to the objectives of the United Nations Decade of International Law. His delegation welcomed the elaboration of a draft statute for such a court.

81. His delegation looked forward to the Sixth Committee's adoption by consensus of the draft resolution on the Decade. The resolution for the forty-eighth session would highlight two important areas that had been the focus of the Committee's discussions, namely the congress of international public law and protection of the environment in times of armed conflict, issues on which important progress had been made.

82. Mr. AL-SUWAIDI (United Arab Emirates) said that the progress made in connection with the United Nations Decade of International Law had demonstrated that the inclusion of that item on the agenda was essential to promotion of acceptance of and respect for the principles of international law, particularly in light of the changes that had occurred in the world. The report of the Secretary-General concerning the Decade outlined the activities carried out by States with a view to implementing the programme of the Decade, which was a very encouraging point of departure for the implementation of the four main goals of the Decade.

83. The United Arab Emirates reaffirmed the need, during the Decade, to promote and enhance the role of international law within member States; the latter, in turn, had an obligation to adapt it to international changes. Those changes called for thorough review of the role of international law in relations between States with a view to the establishment of international peace and security. That, in turn, involved peaceful settlement of disputes and conflicts in accordance with the principles of international law and without resort to the use of force. That was the second main goal of the Decade, namely, to promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice. He underscored the important role played in that connection by the International Court of Justice which was a key instrument for the maintenance of international peace and security.

84. With regard to the third goal of the Decade, namely, progressive development of international law and its codification, the United Arab Emirates supported the efforts made to that end, particularly the work of the International Law Commission and other bodies. It also endorsed the legal principles established for the protection of the environment and human rights

(Mr. Al-Suwaidi, United Arab Emirates)

and welcomed the results of the United Nations Conference on Environment and Development. Finally, it commended the International Law Commission on its work in the area of the peaceful non-navigational uses of international watercourses.

85. With regard to the fourth goal of the Decade, namely, encouragement of the teaching, study, dissemination and wider appreciation of international law, his delegation supported the United Nations programme in that area and urged intergovernmental and non-governmental organizations to implement the programme. In the United Arab Emirates, international law was a required subject in the study of law and political science as well as in specialized courses and general cultural activities.

86. Finally, he supported the convening of a United Nations congress on public international law and the recommendation of the working group that it be held in 1995. He had carefully read the report and recommendations of the working group and thanked it for its work.

87. Mr. SANDOZ (Observer, International Committee of the Red Cross) said that the mandate of the International Committee of the Red Cross (ICRC) was to monitor the implementation of international humanitarian law which was an integral part of international law. One of the main goals of the United Nations Decade of International Law should be not only to prevent conflicts but also to alleviate the suffering of the victims. Nevertheless, humanitarian law was often flouted and, given the scale of the horrors of armed conflict, the convening of the International Conference for the Protection of War Victims, which had been held in Geneva from 30 August to 1 September 1993 had been very timely. The Conference had been attended by many high-level representatives, including the Secretary-General of the United Nations; their presence and the positive repercussions of the Conference demonstrated that the international community was not prepared to accept the current situation as inevitable and that it planned to react so as to ensure that respect for humanitarian law was one of the mainstays of an international order founded upon the rule of law.

88. The Conference had considered a number of issues, including the universal acceptance of international humanitarian law and the need to encourage States to become party to the Additional Protocols of 1977, the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and other treaties relating to international humanitarian law or to accede to those instruments. ICRC would also like those States which had made reservations to those instruments to reconsider their position, since the existence of divergent rules on the subject set the stage for misunderstandings and violations.

89. Secondly, the Conference had discussed the issue of encouraging the teaching, dissemination and promotion of international humanitarian law. In order for it to be respected, international humanitarian law must be known; accordingly, instruction must be promoted by all means, particularly within the armed forces; indeed, the principles of international humanitarian law must form an integral part of military drill and training. At a time when United Nations peace-keeping forces were being called upon to play an ever greater role, it was appropriate to point out that international humanitarian law must be respected

whenever force was used. The agreements with States supplying peace-keeping contingents contained provisions calling for compliance with that law and ICRC supported all efforts to incorporate the basic rules of humanitarian law into military training.

90. ICRC believed, thirdly, that better use must be made of the many procedures that existed for the implementation of international humanitarian law. A major role should be played by the International Fact-finding Commission provided for in article 90 of Additional Protocol I; as yet it had not been consulted. Moreover, under article 1 which was common to the four Geneva Conventions, all Contracting Parties were bound to respect and ensure respect for international humanitarian law; that obligation did not allow for a passive stance in the face of grave or massive violations of international humanitarian law. Accordingly it was essential to continue the search for ways of enhancing the implementation of international humanitarian law; the group of experts to be convened by the Swiss Government pursuant to the Geneva Conference would have an important role to play in that connection.

91. Fourthly, within the context of the progressive development of international humanitarian law, ICRC believed that while implementation of existing law was a priority, it was also important to engage in or encourage work to adapt certain aspects of the law to current realities. Such work included, in particular, the meetings of experts on the law of armed conflict at sea, which had started in 1988 under the auspices of the International Institute of Humanitarian Law in San Remo; the meetings of experts to examine the use of conventional weapons which might be deemed to be excessively injurious or to have indiscriminate effects, in particular the issue of weapons that blinded and the use of mines and, lastly, work on the protection of the environment during armed conflict, to which reference had already been made.

92. In conclusion, he said that everyone had a duty, vis-à-vis the victims of armed conflicts, to take the obligations under international humanitarian law seriously and that ICRC was prepared to do its utmost to help States and the international community as a whole to strengthen the authority of international humanitarian law.

93. Mr. CHAVEZ (Kyrgyzstan) said that his country remained true to the great tradition of international law, starting from the lessons of Andres Bello, the foremost Latin American scholar on the subject. It therefore supported any initiatives to strengthen, develop and implement international law, and above all the teaching thereof. It also supported the various proposals made in the Committee, especially those made by the representatives of Japan and Finland, and welcomed the participation of the Observer for the Permanent Court of Arbitration. In particular, it fully supported the initiatives just presented by the Observer for ICRC and those made at the previous meeting by the Observer for Switzerland.

94. Kyrgyzstan considered that it would be appropriate to hold a United Nations congress on public international law in 1995. If, for any reason, it could not

(Mr. Chavez, Kyrgyzstan)

be held at Headquarters, the Government of Kyrgyzstan would be prepared to host it in Bishkek, the capital of Kyrgyzstan.

95. The importance of international humanitarian law could not be overemphasized. His delegation believed that the issue should be part of the general programme of studies, so that instruction in international humanitarian law could be provided not only in the institutions specializing in law or political and social science, but in all schools and at all levels.

The meeting rose at 1.20 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

SIXTH COMMITTEE
33rd meeting
held on
Friday, 19 November 1993
at 10.30 a.m.
New York

SUMMARY RECORD OF THE 33rd MEETING

Chairman: Mrs. FLORES (Uruguay)

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Distr. GENERAL
A/C.6/48/SR.33
25 January 1994
ENGLISH
ORIGINAL: SPANISH

93-82558 (E)

The meeting was called to order at 11.10 a.m.

AGENDA ITEM 139: UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW (A/48/580)

1. Mr. ZACKLIN (Deputy Legal Counsel), introducing the report of the Secretary-General on the United Nations Programme of Assistance in the teaching, study, dissemination and wider appreciation of international law (A/48/580), said that it was most fitting that the Committee should be considering that item immediately after the United Nations Decade of International Law, since the teaching, study, dissemination and wider appreciation of international law had been accorded a prominent place in the successive programmes of activities of the Decade. In that connection, he pointed out that the Programme was very useful in helping junior staff of Foreign Ministries and teachers of international law, particularly from developing countries, increase their knowledge in that area. That aspect had acquired an added dimension in light of the needs of the new countries which had recently emerged on the international scene.

2. By and large, the report followed the format of previous years. The introduction contained the legal framework of reference for activities within the Programme and stressed its connection with the goals of the United Nations Decade of International Law.

3. Section II described the activities carried out in 1993 by various units of the United Nations Secretariat, namely, the United Nations Office at Geneva and the Office of Legal Affairs, and the activities of the United Nations Institute for Training and Research (UNITAR) and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

4. He drew attention to paragraphs 66 to 72 of the report concerning the issuance in all the official languages of the United Nations of the summaries of the judgements, advisory opinions and orders of the International Court of Justice (1948-1991). That had been done within the existing appropriations.

5. As far as the International Law Fellowship Programme was concerned, paragraphs 76 to 79 of the report described the circumstances which had led the United Nations to assume the entire burden of the Programme, which previously had been shared with UNITAR. As a result, the implementation of the Fellowship Programme was being reviewed in order to arrive at the most appropriate and cost-effective arrangement.

6. With regard to section III, he said that in formulating the guidelines and recommendations regarding execution of the Programme of Assistance in the biennium 1994-1995, within the framework of the United Nations Decade of International Law, account had been taken of the fact that the relevant resolutions did not provide new budgetary resources for the teaching, study, dissemination and wider appreciation of international law. They were based on the understanding that those activities would be financed from within existing

appropriations and by voluntary contributions from States. Accordingly, the guidelines recommended that the United Nations and other agencies should continue the activities under the Programme and should develop and expand them only if new funds became available.

7. Section IV of the report set out the administrative and financial implications of United Nations participation in the Programme. The regular budget for the biennium 1992-1993 contained an appropriation of US$ 316,000 to finance fellowships and travel grants; the proposed programme budget for the biennium 1994-1995 contained an appropriation of US$ 323,000 for the same purpose. Section IV also referred to voluntary contributions towards the implementation of the Programme. It should be noted, in that connection, that voluntary contributions were governed by the principle that States, organizations and individuals could freely choose the component of the Programme towards which they wished their respective contributions to be applied. As could be seen from paragraphs 146 to 150 of the report, the number and amount of contributions varied greatly from one component of the Programme to another. He recalled that, as stated in section IV, paragraph 1 of the annex to General Assembly resolution 47/32 on the United Nations Decade of International Law, States and other public or private bodies were encouraged to contribute to the strengthening of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law.

8. Finally, section V contained a summary of the debate which had taken place at the last two meetings of the Advisory Committee on the Programme, and reflected various useful suggestions which had been made during the discussions concerning implementation of the Programme.

9. Miss CHATOOR (Trinidad and Tobago) said that the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law was a means of ensuring respect for international law. Within the context of that Programme, the Geneva International Law Seminar continued to be very useful for young professionals. Accordingly the number of participants should be increased from 24, to reflect the increased membership of the Organization. That would only be possible if voluntary contributions were increased, and her delegation urged States which were in a position to do so to assist in that programme. In addition, refresher regional seminars on various aspects of international law could be organized, the cost being shared between the United Nations, the host country and various philanthropic organizations. She expressed the hope that UNITAR would continue its primary role of organizing courses and seminars on various aspects of public international law; noting that representatives of many developing countries, including her own, participated in those seminars.

10. Her delegation supported the proposal that different institutions, both inside and outside the United Nations system, be associated with the Programme of Assistance. National institutions that offered courses in international law and international relations could be considered for participation in the

(Miss Chatoor, Trinidad and Tobago)

Programme. The close association and cross-fertilization of ideas would enhance the quality of the Programme. In that regard she pointed out that the Faculty of Law of the University of the West Indies in Barbados offered a course in environmental law for final year students working for a Bachelor of Law's degree.

11. Her delegation noted the growing interest in the legal aspects of peace-keeping operations. Legal advisers attached to such operations should be equipped to tackle the legal problems that might arise. International humanitarian law had not yet been fully developed and greater emphasis should be placed on that issue during training programmes. Other issues, such as procurement of goods and services, privileges and immunities of members of the peace-keeping operations, personal injury, deaths and damage to property, could also be considered.

12. Her delegation appreciated the invaluable work done by the International Committee of the Red Cross (ICRC) on the question on the protection of the environment in times of armed conflict. She agreed that instead of codifying them, it would be more productive to ensure increased compliance with and wider dissemination of existing rules on the subject. Accordingly lectures and seminars had been organized in Trinidad and Tobago to familiarize members of the armed forces with the relevant provisions of the four Geneva Conventions of 1949.

13. She supported the proposal that the draft guidelines for military manuals and instructions on the protection of the environment in times of armed conflict should be circulated to Governments with a request for their comments. However, more work must be done on the development of rules for the protection of victims of non-international armed conflict. She hoped that ICRC or the International Law Commission could review the subject and submit proposals.

14. Her delegation supported the proposal that a United Nations congress on public international law should be held in 1995; it could serve to enhance the role of international law. Financial assistance must be provided in order to ensure that representatives of developing countries could attend the congress. There should be equitable representation of all regions and legal systems.

AGENDA ITEM 144: REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-SIXTH SESSION (continued) (A/C.6/48/L.6, L.7 and L.8)

15. Mr. HERNAL (Austria), introducing draft resolution A/C.6/48/L.6, said that the 27 original sponsors listed in the document had been joined by Germany, Hungary, Kenya, Nigeria and Spain. The draft resolution referred in general to some of the activities undertaken by the United Nations Commission on International Trade Law in 1992; he drew attention to paragraphs 5 and 6 which concerned the participation of members without the financial means to attend the Commission's sessions.

(Mr. Hernal, Austria)

16. With regard to document A/C.6/48/L.7, he said that the 15 sponsors listed in the document had been joined by Germany, Hungary, Kenya, Nigeria and Spain. The draft resolution took note with satisfaction of the completion and adoption by the Commission of the Model Law on Procurement of Goods and Construction, and recommended that States give favourable consideration to the Model Law when they enacted or revised their procurement laws.

17. Draft resolution A/C.6/48/L.8 whose sponsors included Hungary and Nigeria in addition to those listed in the document, dealt with another achievement of UNCITRAL, namely, the United Nations Convention on the Carriage of Goods by Sea, 1978, known as the Hamburg Rules. The Convention had entered into force on 1 November 1992 and, as was the usual practice whenever a convention prepared under the auspices of UNCITRAL, came into effect, the draft resolution invited all States to consider acceding to it. He concluded by recommending that the Committee adopt all three draft resolutions.

18. Miss DAUCHY (Secretary of the Committee) said, with regard to paragraph 5 of draft resolution A/C.6/48/L.6, that, if the General Assembly decided to adopt the draft resolution, it would be authorizing an exception to the general principle that only members of United Nations organs who were elected in their personal capacity were entitled to reimbursement of their travel expenses. The Secretary-General would, at the request of those concerned and within the limits of available resources, proceed to reimburse travel expenses for attendance at sessions from that fund, at the rate of one representative per State, in the situation outlined in paragraph 5. He would deal with the requests in the order in which they were received.

Draft resolution A/C.6/48/L.6

19. The CHAIRMAN said that, unless she heard any objection, she would take it that the Committee wished to adopt the draft resolution.

20. Draft resolution A/C.6/48/L.6 was adopted.

Draft resolution A/C.6/48/L.7

21. The CHAIRMAN said that, unless she heard any objection, she would take it that the Committee wished to adopt the draft resolution.

22. Draft resolution A/C.6/48/L.7 was adopted.

Draft resolution A/C.6/48/L.8

23. The CHAIRMAN said that, unless she heard any objection, she would take it that the Committee wished to adopt the draft resolution.

24. Draft resolution A/C.6/48/L.8 was adopted.

25. Mr. YAMAMOTO (Japan), explaining the position of his Government, said that his delegation had joined in the consensus on the three draft resolutions. With regard to draft resolution A/C.6/48/L.6, he asked for confirmation that the fund referred to in paragraph 5 was a voluntary one. Regarding draft resolution A/C.6/48/L.7, it seemed unlikely that Japan would adopt the Model Law in the near future. Finally, with regard to draft resolution A/C.6/48/L.8, Japan did not at present intend to ratify the Convention on the Carriage of Goods by Sea, because it had signed other instruments which were incompatible with those rules.

The meeting rose at 11.40 a.m.